IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No.707 of 2000
In
Notice of Motion No.1701 of 2000
In
Suit No.2268 of 2000

Lachman N. Jiwnani. .. Appellant

Vs.

Esanda Finanz and Leasing Ltd. .. Respondent

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Shri N.K.Mudnaney for the appellant.

None for the respondent.

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CORAM : R.M.S.KHANDEPARKAR &
D.G.KARNIK, JJ

DATED : 25TH JUNE, 2007

P.C.

1. Heard the learned advocate for the appellant. None present for the respondent, though served.

2. The appellant challenges the order dated 28th June, 2000 passed by the learned Single Judge in Notice of Motion No.1701 of 2000 in Suit No.2268 of 2000. The challenge to the impugned order is limited to the extent of direction for furnishing security for release of the vehicle.

3. As the matter stands today, undoubtedly, the records disclose that pursuant to the order dated 5th December, 2000 passed in this appeal at the time of admission, the vehicle was ordered to be released without insisting for security but on certain conditions. The learned advocate for the appellant stated that on compliance of those conditions, the vehicle has already been released. He further submits that with the passage of time the vehicle has been rendered unworthy of road use. In the circumstances, no purpose would be served in interfering with the impugned order. Suffice to grant opportunity to the appellant to move before the learned Single Judge for necessary modification of the impugned order with further liberty to move for disposal of the vehicle in accordance with the provisions of law and on condition as it may deem fit to the learned Single Judge in the facts and circumstances of the case.

4. In the result, therefore, with the liberty as above, the appeal is disposed of. No order as to costs.

5. Needless to say that till the learned Single

Judge passes further order on any such application to be made by the appellant, the order dated 5th December, 2000 passed in this appeal shall remain in force.

6. Order accordingly.

(R.M.S.KHANDEPARKAR, J)

(D.G.KARNIK, J)